IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 02.09.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.MANIKUMAR

Writ Appeal No.3819 of 2002

1.K.G.Narayana Pillai

2.Geetha Pillai ... Appellants

Vs.

The Government of Tamil Nadu,
rep. by the Additional Secretary
to Government, Housing and Urban
Development, Fort St. George,
Madras-600 009. .. Respondent

Writ appeals filed under Clause 15 of the Letters Patent against the order dated 24.10.2002 made in W.P.No.10500 of 1996.

WP.No.10500/96 :

This petition is filed under under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the respondent relating to G.O.Ms.No.509 Housing and Urban Development Department dated 17.05.1995 and G.O.Ms.290 Housing and Urban Development Department dated 17.06.1996.

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For Appellant : Mr.V.Bharathidasan

For Respondent : Mr.C.Thirumaran
Government Advocate

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JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

The above writ appeal is directed against the order of the learned single Judge dated 24.10.2002 passed in W.P.No.10500 of 1996, in and by which, the learned single Judge upheld the acquisition proceedings and dismissed the writ petition filed by the petitioners.

2. Heard the learned counsel appearing for the appellants as well as the learned Government Advocate for the respondent.

3. At the outset, the learned counsel appearing for the appellants submitted that the lands under acquisition comprised in Survey No.241/1A lies under Vilankurichi Village, Coimbatore North Taluk. According to him, apart from the said land, the respondent had initiated acquisition proceedings in respect of other lands. It is brought to our notice that, in the writ petitions filed at the instance of the other land owners, this Court (learned single Judges), after finding defect in the procedure followed in the acquisition proceedings, by accepting the similar contentions, allowed their writ petitions viz., W.P.Nos.10268, 10269 and 13956 of 1996 dated 16.04.2004; (2) W.P.No.19553 of 1996 dated 16.07.2004; (3) W.P.No.4290 of 1997 dated 16.07.2004 and W.P.No.4289 of 1997 dated 16.07.2004 by quashing the acquisition proceedings. All those orders are available in the additional typed set filed by the appellants. It is also not in dispute that against the orders of the learned single Judges, quashing the acquisition proceedings, the Government/requisitioning body-Tamil Nadu Housing Board have not preferred any writ appeal till this date.

4. In view of the fact that the land covered in this writ appeal is also form part of the same scheme/notification and also in the same village viz., Vilankurichi village, we are satisfied that the points applicable to the other land owners, which were accepted by the other learned single Judges are also applicable to the petitioners/appellants herein. We are constrained to arrive such a conclusion, more particularly, in view of the fact that the Government as well as the Housing Board have not preferred any appeal against those orders. In the light of the same and in view of the undisputed factual information, we are inclined to apply the reasoning of the decisions referred to above.

5. The records produced by the learned Government Advocate also show that though there was a direction by the Special Tahsildar (Land Acquisition), Coimbatore for effecting local publication of notification under Section 4(1) of the Land Acquisition Act, there is no evidence to show that whether the same was effected and complied with in terms of the

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provisions of the Act and Rules. For the above reasons and for the other reasons as stated in the connected orders, we accept the case of the appellants and quash the acquisition proceedings on the same terms. It is made clear that if the respondent so desires to acquire the same lands, they are free to proceed afresh in accordance with law.

6. With the above observation, the writ appeal is allowed. No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

raa

To

The Additional Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development,
Fort St. George,
Madras-600 009.

1 cc To Mr.V.Bharathidasan, Advocate, SR.40116.
1 cc To The Government Pleader, SR.40213.

W.A.No.3819 of 2002

SGL(CO)
RVL 12.09.2006

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